

Serial No.: 09/844,740

REMARKS

Claims 1-43 are pending in the application.¹

I. ALLOWABLE SUBJECT MATTER

Applicants continue to acknowledge with appreciation the allowance of claims 1-36. In addition, applicants acknowledge the indicated allowability of claim 43. This claim will be in condition for allowance subject to being amended to independent form

II. REJECTION OF CLAIMS 37-42 UNDER 35 USC §102(b)

Claims 37-42 also remain rejected under 35 USC §102(b) based on *Matsui* (USP 5,661,707). This rejection is respectfully traversed for at least the following reasons.

The Examiner contacted the undersigned a couple of months ago to discuss the present invention and how it compared to the previously relied upon prior art to Murakami et al. After some discussion with the Examiner and pointing out to him parts of the relevant description of the present invention (e.g., Column 25, line 40 - Column 27, line 58), the Examiner indicated satisfaction insofar as there being support for claim 37 in the application. In addition, the Examiner expressed appreciation of the distinctions between the present invention and the manner in which data is scrambled compared to conventional data scrambling.

Accordingly, the Examiner has withdrawn the prior rejection based on Murakami et al. However, the Examiner now rejects claims 37-42 under 35 USC §102(b) based on *Matsui*. Specifically, the Examiner contends that FIG. 4A of *Matsui* illustrates generating scramble data having a value that is randomly determined (citing column 4, lines 7-62). Based on applicants' understanding of *Matsui*, applicants must respectfully disagree with the Examiner's interpretation.

¹ Applicants note that claims 1-36 are still pending in the subject reissue application and have been allowed. Claims 1-36 have not been canceled. The PTOL-326 Form which accompanied the current Office Action does not identify the pendency or allowance of claims 1-36. Correction is respectfully requested with the next official communication.

Serial No.: 09/844,740

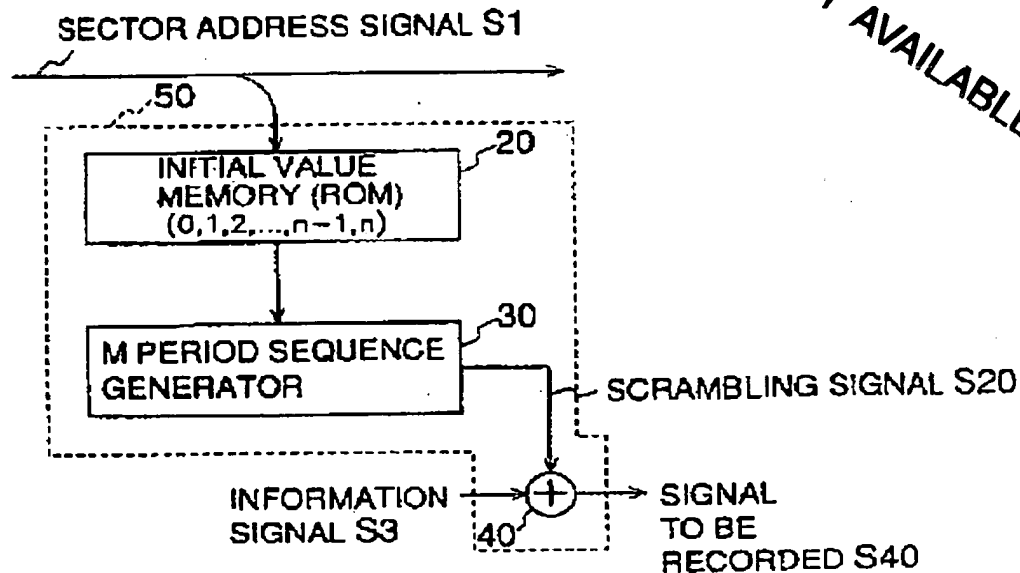


FIG. 4A of Matsui

Specifically, FIG. 4A of *Matsui* illustrates the manner in which a sector address signal S1 provides an address to an initial value memory 20 in order to access an initial value which is provided to the M period sequence generator 30. Thus, to the extent that the initial value provided to the sequence generator 30 is determined based on the sector address signal S1, the initial value is not randomly determined as recited in the claims. The sector address is not a random number, and thus the selected initial value from the initial value memory 20 will not be a random number.

Regarding the discussion in column 4, lines 7-62 as cited by the Examiner, applicants respectfully submit that such discussion relates to the aspect of *Matsui* wherein the degree of the M period sequence provided by the generator 30 is determined. *Matsui* is concerned with correlation occurring between adjacent tracks due to repetition of the random sequences. *Matsui* takes into account the length of the recording tracks.

Serial No.: 09/844,740

Thus, the M period sequence generator 30 in *Matsui* may generate and output a random sequence with a varying degree or length based on the initial value provided by the initial value memory 20. However, the initial value or "scramble data" from the initial value memory 20 is not randomly determined as recited in claims 37, 39 and 41 for the reasons already stated above.

Matsui therefore does not teach or suggest each and every feature of the invention as recited in the claims. As a result, withdrawal of the rejection of claims 37-42 is respectfully requested.

III. CONCLUSION

Accordingly, all claims 1-43 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

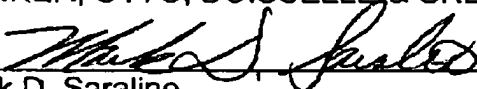
Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Serial No.: 09/844,740

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP


Mark D. Saralino
Registration No. 34,243

DATE: January 10, 2004

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113
C:\Gen\Yamalyamap503a.rceamd2.wpd